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PTO/SB/30 (08-00)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/095,639
Filing Date	June 11, 1998
First Named Inventor	Paolo Pozzilli
Group Art Unit	1632
Examiner Name	Ton, T.
Attorney Docket Number	515-4111

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

 The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-1540
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other A check for \$460.00/ Ext. fee
- b. ☒ Check in the amount of \$ 370.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	James V. Costigan	Registration No. (Attorney/Agent)	25,669
Signature		Date	December 13, 2002

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	James V. Costigan	Date	December 13, 2002
Signature			

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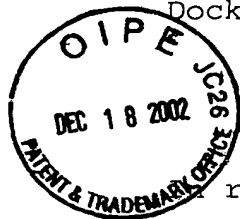
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16-63



Docket No.: 515-4111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT OPERATIONS

re Application of:

POZZILLI, PAOLO

Serial No.: 09/095,639

Filed: June 11, 1998

Group Art Unit: 1632
Examiner: Ton, T.

For: PRODUCT DERIVED FROM MILK SUBSTANTIALLY FREE OF BETA CASEIN
FROM NON-HUMAN MAMMALS AND RELATIVE USE

New York, NY 10036
December 13, 2002

Commissioner for Patents
Washington, DC 20231

AMENDMENT

Sir:

This Amendment is being filed in response to the Office
Action that was mailed June 19, 2002.

IN THE CLAIMS:

Kindly amend claims 28, 33, 35 and 36 as follows:

E1
28. (amended) A dietary or pharmaceutical product, said product
comprising at least one modified bovine beta-casein or fragments
thereof selected from the group consisting of recombinant or
synthetic caseins which do not contain the sequences: Pro-Gly-
Pro-Ile-His (SEQ ID NO:1) and Pro-Gly-Pro-Ile-Pro (SEQ ID NO:2).

E2
33. (amended) A method for the inhibition of the inductive
effect of beta casein and its fragments on insulin-dependent
diabetes comprising the step of administering to newborns and
infants an immunogenic infant formula free of caseins which
exhibits molecular mimicry with protein GLUT2.